

Barbara M. Lynn, Chief Judge

U.S. District Court - Northern District of Texas

1100 Commerce St., Room 1452

Dallas, TX 75242

(214) 753-2200

E-mail: <http://cf.txnd.uscourts.gov>

Re: CHALLENGE TO FEDERAL GUIDANCE PROTECTING TRANSGENDER STUDENTS AND EMPLOYEES

Dear Chief Judge Lynn:

Five leading national civil and LGBT rights organizations urged the Court to reject an effort to block the Obama administration's interpretations of several federal laws pending trial in *Texas v. United States*, including federal guidance advising public school districts across the country that the federal Departments of Justice and Education believe that transgender students should be allowed to use restrooms that correspond with their gender identity. Texas and 12 other states or governors or agencies of those states argued in court today for a preliminary injunction enjoining these federal agencies' interpretations from having any effect while the lawsuit proceeds.

Responding to the hearing Friday on a preliminary injunction:

Texas and 12 other states, governors of states and political jurisdictions have filed a meritless lawsuit against multiple federal agencies seeking to preserve the ability to discriminate against a highly vulnerable population – transgender elementary and high school students and transgender employees. The court should protect transgender students and workers and allow them to enjoy a safe and discrimination-free education and workplace. The court should oppose the efforts of state officials to manipulate the federal court system in order to skirt well-established law in their home circuits that affirms and respects the rights of transgender students and employees. The court should deny the states' request for a preliminary injunction.

In addition to Texas, the other plaintiffs in *Texas v. United States* include: Harrold Independent School District in Texas; the Arizona Department of Education; the Heber-Overgaard Unified School District in Arizona; Wisconsin; Maine Governor Paul LePage; Kentucky; Mississippi; Oklahoma; Louisiana; Alabama; Georgia; Tennessee; West Virginia; and Utah. Named defendants include: the United States of America, the Departments of Justice, Education and Labor, the Equal Employment Opportunity Commission, and

numerous federal officials. The lawsuit targets various federal letters, guides, memos, and statements regarding Title IX of the Education Amendments, Title VII of the Civil Rights Act and the Occupational Safety and Health Act (OSHA) that conclude that federal bans on sex discrimination encompass gender identity discrimination and that individuals should be allowed to access single-sex, multi-user facilities consistent with their gender identity. The lawsuit seeks to have those letters, guides, memos and statements declared to be in violation of the Administrative Procedure Act and the Constitution and enjoined nationwide. A copycat lawsuit was filed recently by the state of Nebraska, joined by Arkansas, Kansas, Michigan (through its attorney general), Montana, North Dakota, Ohio, South Carolina, South Dakota, and Wyoming.

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,

Robert E. Rutkowski

cc: House Democratic Whip Office

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